

REMARKS

The independent claims were previously amended to make it clear that the invention requires: (1) determining whether monitored content includes a predetermined advertisement (or includes predetermined advertisement content that would direct the user to a predetermined advertisement) and (2) if the monitored content includes the predetermined advertisement (or includes predetermined advertisement content that would direct the user to a predetermined advertisement), possibly replacing the predetermined advertisement with another predetermined advertisement based on user input.

Applicant's amendment adds further language to the independent claims to emphasize that the predetermined advertisement that is included in the monitored content is removed from the monitored content and replaced, although applicant believes that the claims are allowable without this additional language.

Because the present invention can remove and replace predetermined advertisements or advertisement content that is included in the monitored content, it is possible, in certain embodiments, for a user to boycott content, as is explained at page 4, line 28 through page 5, line 2 of the application as filed. In other embodiments, the invention allows the user to obtain more appropriate information than was already incorporated into the content, as is explained in the application as filed at page 4, lines 16-21.

In applicant's response filed December 8, 2003, applicant explained that Kurtzman, II, U.S. 6,044,376 ("the '376 patent") relied upon by the Examiner under 35 USC 103 does not monitor the actual content files that the user accesses and views in order to find and possibly replace predetermined advertisements or advertisement content contained in the environment of the actual content files, but rather simply in order to gather demographic information concerning the user (column 3, lines 25-32), so that advertising can be targeted to the user. This is completely different from monitoring a content stream for the purpose of finding and possibly replacing an incident advertisement that is included in the content stream.

In the action dated January 16, 2004, the Examiner quotes another Kurtzman, II patent, U.S. 6,144,944 ("the '944 patent"), apparently to demonstrate that the '376 patent supposedly

discloses replacing an advertisement that is included in a content stream. In particular, the '944 patent states that the '376 patent describes one embodiment of a content stream engine that "analyzes the content of the page 179 and attempts to match a corresponding advertisement reflecting the interests of the user" (column 4, lines 50-57). The '944 patent later states at column 5, lines 38-50 that "the page 179 includes advertisement 174 and advertisement 172 that were retrieved from the ad server 100."

Thus, it appears that the Examiner concludes that the '944 patent (and thus also the '376 patent) describes a content stream engine that analyzes the content of a page 179 that already includes advertisement 174 and advertisement 172 at the time that that the content stream engine analyzes the content.

If so, applicant submits that this conclusion represents a misunderstanding of the '944 patent.

In particular, column 6, line 11 through column 7, line 24 of the '944 patent make it clear, in describing the flowchart of Figure 2 of the '944 patent, that content stream engine 116 of affinity framework 110 completes its processing (at diamond 230) before the advertisements 174 and 172 are incorporated into page 179 (at block 250) (emphasis added and comments in brackets added):

"At block 210, the client 175 sends a request to the web server 160. In one embodiment, this is an HTTP request from the client 175 to the web server 160. The client 175 is requesting a specific URL (universal resource locator)....

"At block 220, the web server 160, using the CGI 162, makes a request of the ad server 100 to provide one or more advertisements....What is important is that some identifying information is provided to the ad server 100 that can be used by the various affinity engines [content stream engine 116 is an affinity engine] in selecting advertisements for the user....

"At block 230, a test is made by the ad exec program 101 to determine whether the ad selection process is complete. The ad exec program 101 will determine that such a selection process is complete when one of the following events occur. The first event is that all of the engines in the affinity framework 110 [this would include content stream engine 116] have completed their processing and have provided their advertisements to the ad server 100.....

“Block 234 and block 236 are performed simultaneously by the various engines. This process is performed until the finished state, at block 230, is reached.

“Block 234 represents the generation of a list of advertisements for a given engine....

“At block 236, an adjustment is made to the various weights applied to advertisements generated by each engine....

“At block 240, the web server 160, using the CGI 162, generates the HTML information, including references to the advertisements provided by the ad server 100. The client 175 receives this HTML information and provides that information to the browser 177. The browser 177, in generating the page 179, will access these references and request the advertisements from the ad server 100. Typically, the references are redirections to the location of the ads in the ad server 100.

“At block 250, the ad server 100 supplies the ad 172 and the ad 174 in response to the request from the client 175. The browser 177 can then include the advertisements in each dynamically generated page 179.”

Thus, it is clear that content stream engine 116 of the ‘944 patent completes its processing before the advertisements 174 and 172 are incorporated into page 179, which occurs in the very last step (block 250). Thus, when the ‘944 patent states that the ‘376 patent similarly discloses “one embodiment of such a content stream engine 116” (column 4, lines 50-57), it is clear that the ‘376 patent also describes an engine that completes its processing before advertisements are incorporated into the page.

Applicant submits that all claims are in condition for allowance, which action is respectfully requested.

Applicant encloses herewith an information disclosure statement and form PTO-1449 filed December 23, 2002. Applicant has not received from the Examiner the form PTO-1449 with the Examiner's initials adjacent to the citation of the reference. Applicant requests that the Examiner return the initialed form PTO-1449 to applicant.

Please apply any charges or credits to deposit account 06-1050.

Applicant : Frank David Serena
Serial No. : 09/507,967
Filed : February 22, 2000
Page : 14 of 14

Attorney's Docket No.: 11423-002001

Respectfully submitted,

Date: April 12, 2004

James E. Mrose
James E. Mrose
Reg. No. 33,264

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

40212131.doc